IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.6438/07
Yogesh & Ors. Vs. The Board of Revenue & Ors.

24.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Pushpendra Pal Singh for petitioner.

The petitioners have challenged the order dated 12.6.2007 whereby the Board of Revenue upheld the order passed by the Assistant Collector, Nadbai, dated 25.5.2005. The Assistant Collector by his order dated 25.5.2005 allowed the application of legal representative of deceased Hari Singh whereby three sons and widow of Hari Singh are impleaded as applicants, whereas his four daughters were declared as non-applicants.

Learned counsel for the

petitioners submits that the daughters being legal representatives ought to have been impleaded as applicants and not non-applicants.

In the course of arguments, learned counsel for the petitioners further submitted that the daughters of Hari Singh have given release deed in support of other dependents / legal heirs of Hari Singh and they are not necessary to be shown as the parties in the matter either the applicants or non-applicants, and therefore, the Assistant Collector has erred in law in directing their impleadment as non applicants.

I do not find any substance in the argument because the daughters have been impleaded as non-applicants precisely for the reasons that they have

given release deed and would have no contest with their brothers and mother and which is why their impleadment was made only as a performa respondents.

In my view, the order passed by Board of Revenue does not suffer from any error so as to justify interference by this Court.

The writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-